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# Ex-ambassador disputes CBS report on undercounting of Vietnam enemy

From combined dispatches

NEW YORK — A former U.S. ambassador to South Vietnam who was involved in a heated Vietnam War dispute over how to count enemy troops testified yesterday he did not "conspire" to suppress truthful intelligence reports.

Robert W. Komer, the second witness for Gen. William C. Westmoreland in his \$120-million libel suit against CBS, also said he never was told to put "ceilings" on estimates of enemy troop strength.

Gen. Westmoreland's suit charges a documentary broadcast Jan. 23, 1982, "The Uncounted Enemy: A Vietnam Deception," falsely accused him of a plot to undercount enemy troops in order to convince President Lyndon B. Johnson the war was being won.

Mr. Komer disputed the CBS report on two important allegations that it made:

- That there was a "conspiracy at the highest levels of American military intelligence to suppress and alter critical intelligence on the enemy in the year leading up to the Tet offensive" of January 1968;

- That Gen. Westmoreland ordered a military official "not to allow the total [of enemy troops] to go over 300,000."

Gen. Westmoreland, one-time commander of U.S. forces in Vietnam, has charged that the CBS Reports documentary distorted an honest debate between military and CIA experts over enemy strength in order to accuse the general of deception.

Questioned by Westmoreland lawyer Dan M. Burt, Mr. Komer said he tried to resolve the bitter dispute after Mr. Johnson sent him to Vietnam in 1967 as a special assistant with the rank of ambassador.

He told the Manhattan federal jury that military analysts wanted to stop counting civilian "self-defense" forces as enemy troops. The CIA argued they should be included.

Mr. Komer said he thought Gen. Westmoreland's analysts were right. He said the self-defense groups were unarmed, difficult to count and mainly made up of women, children or old men, who did not pose a serious threat to U.S. troops. CIA experts believed they could set dangerous booby traps.

Mr. Komer said a decision was made in November 1967 that self-defense groups would no longer be counted in the official national intelligence estimate because the data were unreliable and could be misinterpreted by the news

media as showing the enemy was becoming more powerful.

Recalling a report that said the range of error in counting the civilian forces was up to 100 percent, he testified, "I've been in the intelligence business a long time. That is one hell of a margin of error."

Mr. Komer said he was worried that data about "this vague and shadowy category" of civilians would reach the news media and "create a seriously misleading impression of the enemy we were against."

During cross-examination by CBS lawyer David Boies, Mr. Komer acknowledged the estimate of regular enemy troops also dropped considerably between July and November 1967.

Members of the jury often appeared to be taking notes.

When the trial of the general vs. CBS began, Judge Pierre Leval remarked that it was expected to last from two-and-a-half to four months, and some notes would be useful. So far — if random observation can be trusted — the six men jurors have out-scribbled the six women.

There are two dominating figures in the courtroom who as yet have said nothing at all: Gen. Westmoreland and Mike Wallace, one of the defendants.

Gen. Westmoreland, 70, of Charleston, S.C., the retired general who commanded U.S. forces in Vietnam from 1964 to 1968, sits quietly with a soldierly bearing that gives him the appearance, as one spectator remarked, of standing at attention while sitting down.

Mr. Wallace, 66, has a good view of the back of the general's head. Mr. Wallace sits at a table 10 feet behind the general, who rarely turns around.